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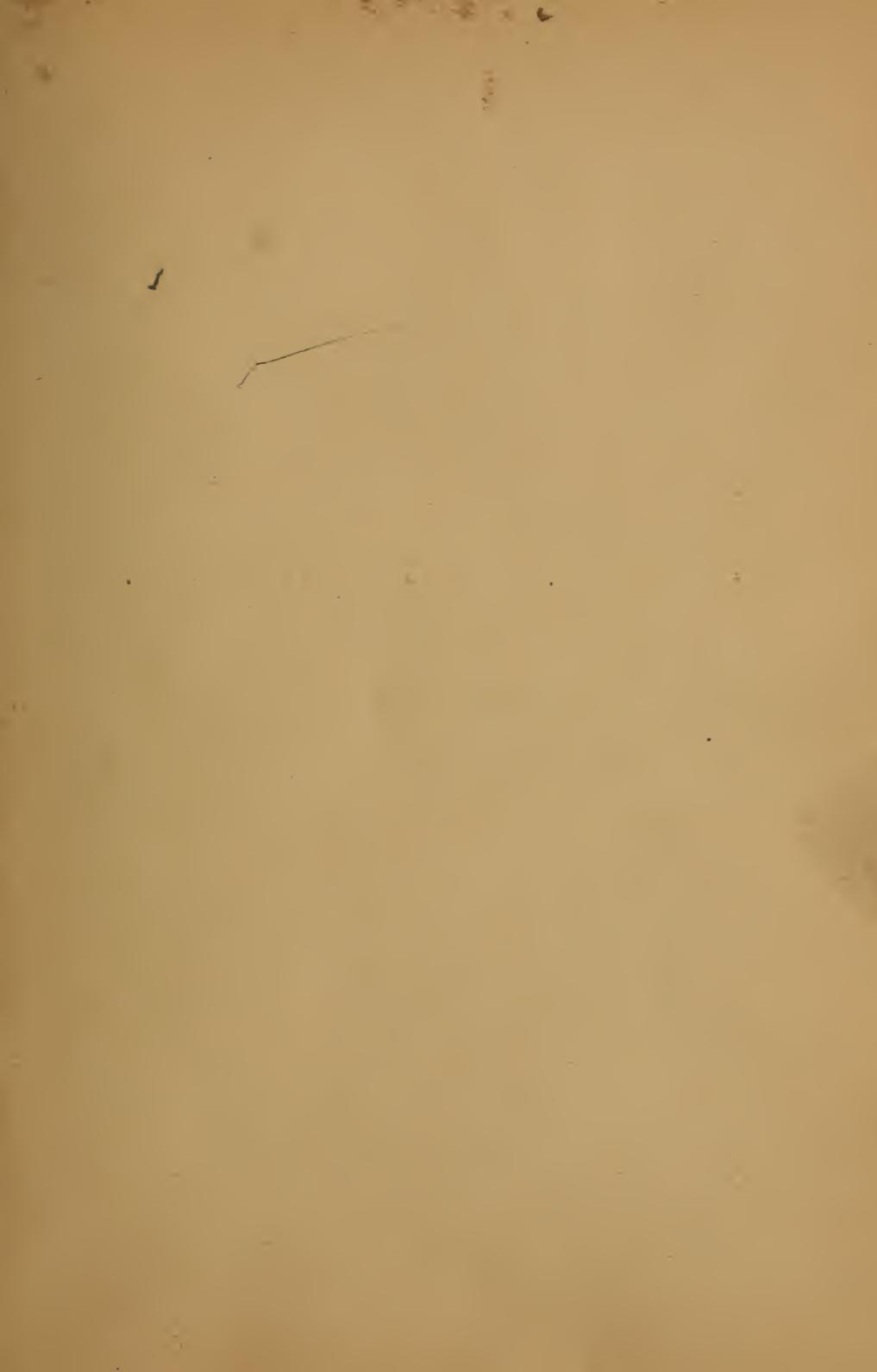


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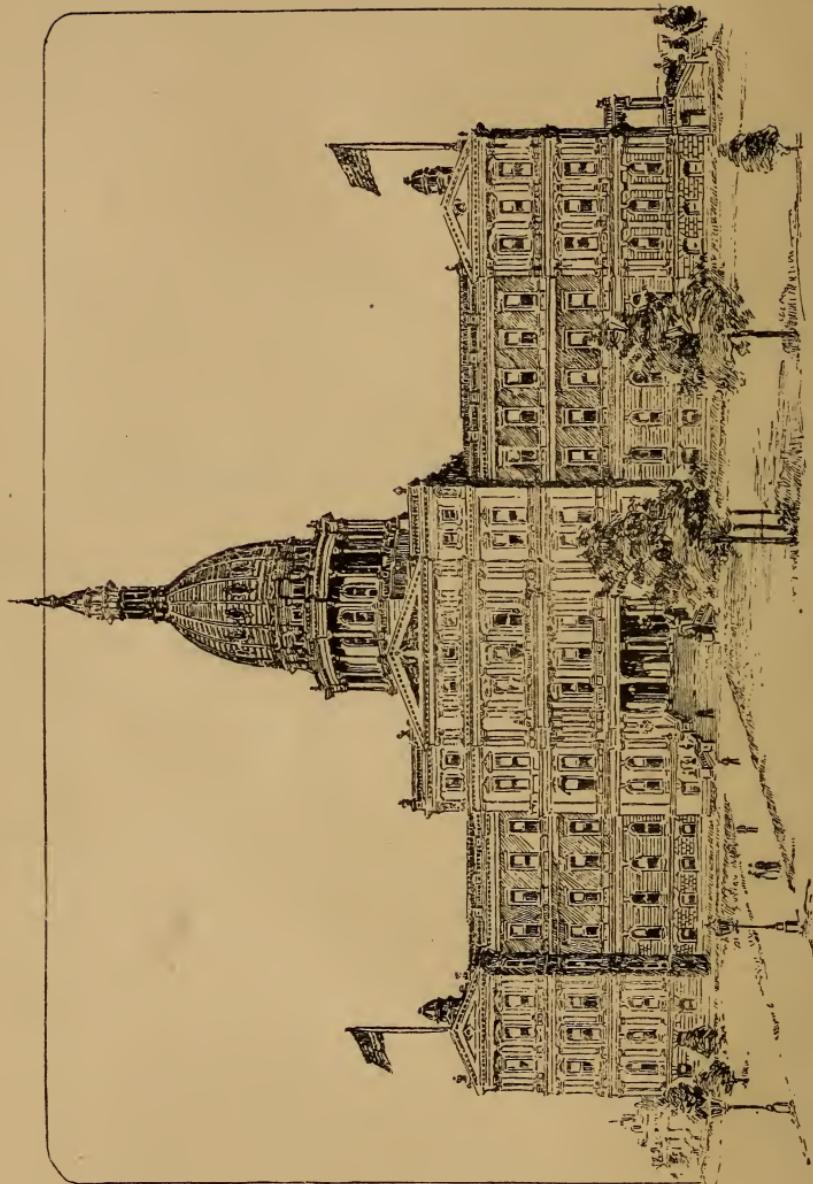
UNITED STATES OF AMERICA.



ELEMENTS OF CIVIL GOVERNMENT

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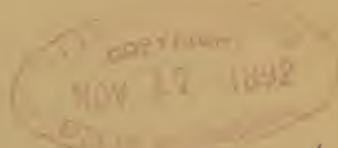
STATE OF MICHIGAN



STATE CAPITOL, LANSING, MICHIGAN.

ELEMENTS
OF
CIVIL GOVERNMENT
OF THE
STATE OF MICHIGAN

BY
ANDREW C. McLAUGHLIN



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SILVER, BURDETT & COMPANY
— NEW YORK BOSTON CHICAGO

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PREFATORY NOTE.

THE subject-matter of this volume gives a clear outline of the history and government of the State of Michigan, stated in language that can be easily understood. The aim has been to provide a text that can be profitably used in the high schools, the advanced grades of grammar schools, and in the more advanced classes in rural schools.

The purpose of the book, then, is to furnish to the youth of this state facilities for gaining a knowledge of its governmental history and of the workings of its governmental policy,—such a knowledge as shall prepare them for intelligent action under the government, and inspire them with a love for our republican institutions.

Let it not be overlooked that every youth, every citizen, is equally interested with every other. It is not in this state as in monarchical countries, where the few rule by hereditary right, and the many must submit to be governed. In Michigan every citizen is a ruler, who not only has a voice in the government, through his ballot, but may properly aspire to the highest position of honor and trust within the gift of the people. Such possibilities and privileges involve correspondingly large and weighty responsibilities.

As applied to human government, it may be said of this country more than of any other on the face of the globe, that all power resides with the people and emanates from them ; and since government depends upon the will of the people for its support, direction, and development, it is of vital importance not only that the forms be understood, through which that government is administered, but that the history of its establishment and growth be fully known. The people should be imbued with the spirit of American institutions, inhaling and exhaling loyalty with every breath. What more fitting period than that of youth in which to lay the foundations of this intelligence, to foster the growth of this allegiance, and to fix indelibly in mind and heart the principles that control good citizenship? Let the subject of civil government find place in some form in the regular work of every school in the state.

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THE HISTORY AND CIVIL GOVERNMENT
OF THE
STATE OF MICHIGAN.

CHAPTER I.

EARLY HISTORY.

The State. — Michigan is naturally divided into two parts known as the upper and lower peninsulas. These two divisions are unlike in many ways, but together they form a state which has a great variety of resources and can support a large population with diversified industries. The lower peninsula, especially its southern half, is covered with fine farms. The northern half has been covered with immense forests which have furnished the best of white pine lumber or have given hard woods for the furniture factories and other industries of the state. The northern peninsula is one of the richest mineral regions of the world. Iron ore of unusual richness is mined in immense quantities. The state furnishes over one-third of all the iron ore produced in the United States, its value being nearly one-half of the total product. In its output of copper Michigan stands second in the Union. The two peninsulas have an area almost

exactly the same as that of England and Wales—more than that of New York or Pennsylvania. The long coast line of the state,—not far from sixteen hundred miles,—with its numerous harbors and places of refuge, gives facilities for shipping which will make Michigan one of the great commercial centers of the world. As regards population, Michigan stands ninth in the roll of states, and has now nearly as many inhabitants¹ as had the thirteen colonies when they declared their independence from Great Britain. The history and the government of the commonwealth are, then, worthy thoughtful study.

We will try to notice the growth of methods of government and of ideas about government. Thoughts on political matters show themselves in institutions and laws. We shall need to study, therefore, laws and the machinery of government in order to understand the people as they are organized; and we must study the people and notice their history if we would appreciate the present government and the condition of society.

The French Discoverers. — The early history of Michigan is part of that of Canada. We know that early in the seventeenth century, one year after the English founded Jamestown, the French made a permanent settlement at Quebec.² At once the hardy French priests and adventurous traders began to find their way into the interior of the continent. The priest was eager to convert the Indians to Christianity. The trader wished to barter for the hides of the beaver. Before the Pilgrim Fathers had landed on Plymouth Rock, Champlain had

¹ Population 2,093,889 by census of 1890.

² 1608.

stood on the shores of Lake Huron. From that time there were a number of expeditions into the northwest, and soon a profitable fur trade with Indians of the lake region was established. Many of the French colonists along the St. Lawrence, naturally of a roving, free-and-easy disposition, broke away from the restraints of the colony and wandered off into the western country. These *courreurs de bois*,¹ or bush-rangers, carried on irregular traffic with the savages.

Early Settlements. — While the English were spreading their settlements along the Atlantic coast and slowly making their way back into the country, clearing away the forest for farm and homestead, the French were exploring the great west and taking up positions of advantage on lake and river. These places were missionary stations or centers of the fur trade; but they were also outposts against English, or especially Dutch, advance into the northwest. They were chosen so carefully with reference to the geography of the country that they became towns and cities of importance when the Americans in this century came to build up their states. Father Marquette, a bold French priest, as early as 1668 established a Christian mission at the Falls of St. Mary (*Sault de Ste. Marie*). This is the oldest town in the northwest and older than many of the early settlements of the east, — fourteen years older than Philadelphia.

La Salle. — About ten years later² the brave La Salle launched the "Griffin," the first sailboat on Lake Erie. He sailed through the Detroit River, christened Lake St. Clair in picturesque fashion, and made his way even

¹ Literally "rangers of the wood."

² 1679.

to Green Bay. In 1682 he floated in his canoe down the Mississippi, and at its mouth took possession of the country in the name of the king of France.¹

Settlements of Bush-rangers. — Before the end of the seventeenth century the wandering bush-rangers made straggling and irregular settlements where fancy and trade directed or in places that would prevent the entrance of the English into Michigan, which was the home of the beaver. The wandering Frenchmen often forgot all the restraints of civilized life when they escaped into this western wilderness. They took upon themselves the habits of the savages with whom they associated, often married Indian wives, and lived a listless, happy, careless life. Their settlements were of little moment in building up the country or winning it for civilization, but the descendants of these bush-rangers, or the retired watermen who had traversed with their canoes the western lakes and rivers, formed an element of no little importance in the early history of Michigan as an American province.

Detroit. — The center, however, from which Michigan grew was Detroit. It was founded by the French under La Motte Cadillac. He had noted the many advantages of the place, and in 1701 brought a company of artisans and soldiers to occupy it. Cadillac seems to have had the English, rather than the French, notion about civilization. He did not desire that Detroit should

¹ Parkman, the great historian of New France, thus describes La Salle. "He was a tower of adamant, against whose impregnable front hardships and danger, the rage of man and the elements, the southern sun, the northern blast, fatigue, famine, and disease, delay, disappointment, and deferred hope emptied their quivers in vain." — "La Salle and the Discovery of the Great West," p. 407.

be a mere military outpost or a trading station. He wanted an agricultural colony, which could support itself and develop its own life. Although he was disappointed by the trials which beset him, and although the town grew at a snail's pace, Detroit was soon the most important colony in the west. Its founder had been impressed with the beauty of the site. He spoke of "the living and crystal waters" of the river, "the ambitious vine, which has never wept under the pruning-knife,—with its large leaves and heavy clusters, weighing down the top of the tree which receives it." He did not praise too highly the attractions of the place. A hundred years later, the beautiful orchards¹ of the simple French farmers near Detroit surprised the incoming "Yankees." Spite of difficulties, therefore, and the easy-going methods of farming, the place grew through the eighteenth century and at the close of the French and Indian war some authorities say there were as many as twenty-five hundred inhabitants in the fort and its vicinity.

The French and Indian War.—Although the French explorers and traders had known the great west long before the Englishman had pushed his way west to the Alleghanies, yet after all the hold of the French on the country was feeble. The English colonies on the At-

¹ "Many a thrifty Mission Pear
Yet o'erlooks the blue St. Clair,
Like a veteran, faithful warden;
And their branches, gnarled and olden,
Yield their juicy fruit and golden.
In the ancient Jesuit garden,
Still, each year, their blossoms dance,
Scent and bloom of sunny France."

lantic border had grown freely and naturally. They had thrust out new settlements as they felt the impulse or as the needs of the people seemed to demand. They had learned how to govern themselves, and learning how had done so. Without being bound and fettered by the mother country, they had prospered. They were sturdy, strong, self-reliant. The French of Canada, on the other hand, had not been allowed to grow naturally. They were not practised in self-government. They had been kept ignorant and were, as a result, not self-reliant, though sometimes wilful. The trade and business of Canada had not grown naturally, but had been shaped by the policy and wishes of the home government. The colony was not vigorous and healthy, but weak, therefore, from the nature of things. Its hold on the west was far from strong; for there were only widely separated settlements and military outposts. When the English colonists began in the middle of the last century to wish for a home in the Ohio valley, the contest between the two great powers, France and England, was sure to come. Of the outcome there could be little doubt. France was powerful, but her colonies were weak and nerveless; for they had been paralyzed by too much care. The English colonies were strong with the energy of self-confidence and hope; for they had been neglected and had strengthened themselves.

Its Results.—The struggle decided to whom the vast territory in America then claimed by the French should belong. More than that, it decided whether the self-governing American colonist or the over-governed Frenchman should take possession of the country.

The victory of Wolfe on the Plains of Abraham¹ was the last great decisive battle of the war. France lost as a result all hold upon the continent. Canada and the whole northwest passed into the hands of England. When we consider the extent of the land thus gained by England and the meaning of the victory, we are impressed with its importance. "The triumph of Wolfe marks the greatest turning point as yet discernible in modern history."² North America was open for the English colonist with his civilization, his regard for law, and his love of liberty. The country now known as Michigan became British territory.

CHAPTER II.

BRITISH OCCUPATION OF THE NORTHWEST.

The Indians and the British.—In the latter part of 1760, the English took possession of Detroit. They ruled without intermission in Michigan for about thirty-six years, and in that time succeeded neither in conciliating the French nor in winning the respect and affection of the Indians. The French had the faculty of making friends of the Indians; his courtesy did not wound them, his easy, affable manners charmed them. The Englishman, on the other hand, was stiff, stern,

¹ Battle of Quebec, September 9, 1759. One of the great decisive battles of the world.

² Fiske's "American Political Ideas," p. 56.

and cold. His manner was repellent, and he seemed to dole out the presents with a certain caution which partook of stinginess and destroyed the very effect he sought. The Indian's regard for the Englishman must needs be purchased with beads, baubles, and drink. The Frenchman's good-humor had still its charm when his presents of gewgaws or brandy were gone. We might expect, under such circumstances, that, when Michigan was turned over to its new masters, the Indians would not remain quiet and peaceful.

Pontiac. — At this time the Indians had a great leader. Pontiac, a noted chief of the Ottawas, had power and influence throughout the northwest. He was a man of great vigor of mind. He was keen, wary, and ambitious. He seemed to see clearly what the English occupation meant. The Indian, no longer wooed by the two contestants, was now at the mercy of one. Unless there was a bold, determined stand against the English, they would push on into the country, driving the Indians from their homes and hunting grounds.

Siege of Detroit. — Pontiac decided to make a grand effort to throw off the yoke of the intruders. He secured the alliance of a number of tribes, and early in 1763 was ready for action. His plan included attacks upon all the outposts of the English even as far east as Niagara. The plot for surprising Detroit was a shrewd one. The Indians, with their guns hidden beneath their blankets, were to repair to the fort and demand a council. This being granted, upon a given signal from Pontiac, the braves were to draw their rifles and attack the unsuspecting garrison. Providentially, the plot was disclosed to the English by a young squaw, who seems to

have taken an interest in the commander. Upon coming to the council, Pontiac discovered that he had been foiled, and he was at last compelled to order an attack upon the fortress from without. Beaten in their assault, the Indians held the town in a state of siege for months. Not until the middle of the next summer (1764) was the weary garrison relieved by the arrival of ample reinforcements from the east.¹

Mackinaw. — At other posts in the west the Englishmen had been surprised and had felt the fury of the Indian hatred. The romantic story of the massacre at Michilimacinac² has been often told, and is one of the most dramatic and terrible episodes in the long history of border warfare.

The Indians' Last Effort. — The length and bitterness of this contest mark the power and earnestness of Pontiac. This was the last great spontaneous effort of the Indians to throw off the English domination. Pontiac's ambition was gone. "His hope of seeing the empire of France restored in America was scattered to the winds, and with it vanished every rational scheme of resistance to English encroachment."³

¹ NOTE. — Teachers will find interesting accounts of this great conspiracy in Cooley's "Michigan," p. 54 fl., and in Parkman's "Conspiracy of Pontiac."

² Now spelled Mackinaw.

³ Parkman's "Conspiracy of Pontiac," p. 566.

CHAPTER III.

THE REVOLUTIONARY WAR.

The Northwest.—As long as the French held so much of the American continent, they were the ever present rivals of the English. Now that they had been overpowered, England was beyond all doubt the greatest of maritime and colonial powers. But, free from rivalry and drunk with her own glory, she began the taxation of her colonies. The result was the Declaration of Independence and the American Revolution. We are interested here chiefly in the fate of the western country. We must remember that the colonists had scarcely any hold upon it. A few pioneers had struggled over the Alleghanies into Kentucky and Tennessee, but in the northwest the old French settlements were simply held by English garrisons. The thriftless voyageurs or the happy-go-lucky French farmers took no interest in a struggle over taxation or political privileges. To them the Revolution was a mystery. Unless the Americans could occupy the country, even if they should be successful in the war, there would be no ground for claiming a boundary north of the Ohio. But, as we shall see, largely through the zeal and energy of one man, the United States was able to lay claim to all the territory north of the Spanish Floridas and south of the Great Lakes.

Lieutenant-Governor Hamilton. — At the outbreak of the Revolution the British commander at Detroit was Colonel Henry Hamilton. His position was favorable for influencing the Indians, and he entered upon the task with great zest and unbecoming vigor. In the French and Indian war both the contending nations had made use of the savages when they could obtain their services. Now the English began to seek their aid, and the American Congress was ready to use a small force. Hamilton, by offering rewards for scalps, won for himself the title of "hair-buyer." From his post at Detroit he planned expeditions against the out-lying settlements of Pennsylvania and Kentucky, and prompted the horrible attacks on the scattered settlers along the Ohio. The amount of rum which bought the aid of Indians was prodigious. It was measured out by the thousand gallons. Detroit was the scene of great activity through the whole war. Often it was aroused by the death whoop of the returning war bands, which announced success and the number of the slain; riot and drunken debauchery followed, when the braves were paid for the scalps they had brought back. These atrocities encouraged some of the settlers of Kentucky to make an attack upon the English garrisons in the northwest. Kentucky was then considered part of Virginia.

Clark's Expedition. — In 1778, George Rogers Clark, with a small band of about one hundred and eighty men, marched across the country and seized Kaskaskia, an old settlement in what is now the state of Illinois. Other posts soon surrendered to the Americans. Hamilton, however, marching from Detroit to Vincennes,¹ took

¹ In what is now Indiana.

possession of that town and seemed for the moment to have put a stop to Clark's successful career. But the brave Virginians were not thus to be outdone. Clark immediately started on a long march across the country. The time was the middle of winter. Part of the way was over low lands which had been flooded by recent rains, and the soldiers marched through water that was often as high as their necks. This was a memorable expedition. Upon its result depended, in all likelihood, the ownership of the vast territory which now forms five American states. The men kept up their courage in spite of the hardships. "The drummer of the party was a jovial little Irishman, with a rich voice and a memory well stored with comic songs. When the men were wading through mud and water, Colonel Clark would seat the drummer on his drum, on which he floated and sang, keeping up the spirits of the men with his lively melodies."¹ Vincennes surrendered and Hamilton himself was captured.

The Northwest American.—Clark was desirous of attacking Detroit, but was not enabled to do so. Nevertheless, the northwest had practically passed into the hands of the Americans, and by the treaty of 1783, which closed the war, the boundary of the United States was fixed at the Mississippi on the west and the Great Lakes on the north. Michigan was American territory.

The British Retain the Northwest.—Not until thirteen years after the treaty was signed did the English give up Detroit. We can discover several reasons for this. In the first place they were loath to give up more than they were compelled to, and thus disliked to ac-

¹ Farmer's "History of Detroit and Michigan," p. 52.

knowledge fully that our country had won her independence even from petty annoyances. Moreover, if the western posts were retained, the English were assured of a continuing influence over the Indians, and in case of another war these savage allies would be useful. The English long persisted in the hope that the revolted colonies would be unable to form a strong general government or to live side by side in harmony; and, in case of a war between the states, it was thought that some would seek the protection of the mother country, and perhaps all would be so weak that they could easily be brought into submission. We need not conceal from ourselves that there was some basis for such hope. Until our Constitution was adopted, the fate of the American nation seemed trembling in the balance. Beyond all, England was unwilling to renounce her last hold on the country until she had her full rights under the treaty,—and this, for some time, America seemed unable to give. The chief source of annoyance arose from the fact that the states, in a selfish, domineering way, did not offer English merchants a fair chance to collect their debts by suits in the state courts. Michigan remained, therefore, in the hands of the English until the two countries came to a settlement of their difficulties.

Indian War.—The Indians who had sided with England in the late war continued to threaten the American settlements on the frontier. They claimed all the land north of the Ohio and insisted that the Americans must not trespass upon this territory. They seem to have been encouraged in their claims by some of the English commanders. It was at least evident that, so long as

the English retained possession of Detroit, the task of overcoming the Indians was a difficult one. By 1790, there were settlements of importance across the mountains in the Ohio valley, and the Americans of the eastern states were only awaiting assurance of safety to make their way in numbers into the new country. Failing at last in all efforts at conciliation, our government tried to force the Indians to cease their annoyances. Two armies, which were sent out for this purpose, were completely routed, and the savages were more insolent and terrible than ever. Not till General Wayne, in 1794, met and defeated them, almost under the guns of a new British fort which had been built upon the Maumee, was the northwest really thrown open for American settlers.

Jay's Treaty. — President Washington sent John Jay to England to try to come to an agreement on the matters in dispute between the two countries. This he succeeded in doing. By the terms of his treaty the western posts were to be given up June 1, 1796. On July 11, 1796, the American flag for the first time floated over the soil of Michigan. Two great powers had claimed and in turn had possessed Detroit and the outlying settlements. Now the third took control, and American laws were extended to the line of the Great Lakes. Thus it may be said that the Revolution was not made complete in Michigan till twenty years after the Declaration of Independence.

CHAPTER IV.

THE ORGANIZATION OF THE NORTHWEST.

The Land Cessions.—Even before the end of the Revolutionary war, and before it was determined whether or not England would relinquish her claim to the land between the Alleghany Mountains and the Mississippi, there was considerable rivalry between the different states about the ownership of this territory. Virginia claimed not only the country that is now Kentucky, but insisted also that both because of her charter from King James and the conquest of Clark the territory north of the Ohio was rightfully hers.

On the other hand New York laid claim to it, while Massachusetts and Connecticut maintained that they had rights in strips of this territory lying directly west of them and extending through to the Mississippi. Fortunately a spirit of generous patriotism finally overcame these selfish disputes, and all the states ceded to Congress for the benefit of the United States their interests or titles in the territory. Connecticut retained her claim to a portion of country south of Lake Erie, a section which in consequence became known as the Western Reserve of Connecticut.

Ordinance of 1787.—It was desirable to form some sort of government for this territory, to lay down at least general propositions which would show the rela-

tions between the general government and this newly acquired province. The fundamental Ordinance, as finally adopted by the Congress of the Confederation July 13, 1787, is one of the most important documents of our history. It is a monument of wise statesmanship. The free and vigorous life of the old northwest owes much to the liberality of this fundamental law. So carefully was it framed, so wise and judicious were its leading principles, that it has proved in many ways a model for the regulation of territories, and it has moulded the history of the whole west and influenced the political thought of our country. The people of Michigan may well consider it their primary constitution; for upon this foundation we rose to statehood and by it our political life has been largely shaped. "I doubt," said Webster, "whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787." Bancroft declares that it influenced the "character and destiny of the United States," and says that its passage was a "fact, sublime and humane and eventful in the history of mankind."

Slavery Forbidden.—The truth of such eulogies as these may be seen from even a hurried study of the Ordinance.¹ The most famous portion is the sixth clause, a part of which reads as follows: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted."

¹ The teacher will find it profitable to spend some time in studying this Ordinance with the class. Copies can be obtained without much difficulty. The Ordinance is published in cheap form in the Old South Leaflets.

These words dedicated the northwest to freedom. When the hour of trial came and the slaveholding states attempted to secede, the free northwest stood ready to battle for the Union and to help wipe out the curse of slavery from the land. The wonderful growth and prosperity of the country are due in no small degree to this famous prohibition. Foreign immigrants who came to the New World to win their way to comfort would not seek homes in states where the laborer was a slave and labor degrading, and so nearly the whole tide of immigration flowed into the country north of the Ohio.

Other Provisions. — The broad and generous educational system of Michigan no doubt takes its rise in the third clause of the Ordinance: "Religion, morality, and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education shall forever be encouraged." This clause has been of enormous influence in directing the energies of the people toward the support of free schools. Another clause declared that not less than three nor more than five states should be formed from the territory, and that these states could be admitted to the Union with republican constitutions whenever they had sixty thousand inhabitants. Thus it will be seen that before the Constitution of the United States was framed in full this Ordinance mapped out the policy to be followed toward territories, indicating that they should not be held as colonies, but should be given the right of self-government as members of the American Union. The Ordinance also outlined great principles of civil liberty, and these were a constant source of education to the people of the territory. They served as guides to

liberal government and good law when state constitutions were forming. Not of least importance was the fact that this wise Ordinance emphatically stated that the territory and states that might be formed from it must remain forever a portion of the American Union and obedient to its laws. Moreover, any intolerant policy that might spring from state selfishness was condemned, for the highways of commerce, the great navigable waters, must be left freely open for all citizens of the United States.

CHAPTER V.

MICHIGAN BEFORE THE WAR OF 1812.

The Organization of the Territory.—The northwest territory remained undivided until 1800. At that time it was divided into two portions, the western one being called Indiana, and the eastern the northwest territory. The dividing line ran from the mouth of the Kentucky River nearly due north through the middle of the lower peninsula of Michigan. In 1802 Ohio formed a state constitution, and all of what is now Michigan became a part of Indiana territory. By an act of Congress passed January 11, 1805, and to take effect June 30, Michigan was formed as a separate territory. It was to include all of Indiana north of a line drawn east from the southern end of Lake Michigan until it intersects Lake Erie and east of a line drawn from the southern end of Lake Michigan through

the middle of the lake to its northern end, and then north to the northern boundary of the United States. These were the legal limits of Michigan for a number of years. But we may anticipate a little by saying that from 1818, when Illinois was admitted to the Union, till the time when Michigan was admitted to the Union (1837), Michigan territory included all the land north of Illinois and east of the Mississippi, embracing therefore the northern peninsula, Wisconsin, and the northeastern part of Minnesota. Between 1834 and 1836 the western limit of the territory was the Missouri River, the southwestern boundary being the southern line of Iowa. Thus we see that Michigan territory had many forms and sizes before the state was created with its present limits.

Description of the Territory. — At the beginning of this century the inhabitants of Michigan were nearly all French. A few Scotch and English had settled in Detroit, but the French language and French customs and ideas prevailed. The Americans came in slowly. To the people of the Atlantic coast Detroit seemed a long way off. Few persons at that time had any conception of the importance of the acquisition of the northwest from England, and not until the century was well advanced was there any great migration into Michigan from the eastern states.

The territory had improved but little, though it had now been settled a hundred years. The great virgin forest still hemmed in the people to the river bank, along which they had settled. There was a settlement, a poor affair, at Frenchtown,¹ and long, narrow farms

¹ Where Monroe now stands.

stretched back from the river below and above Detroit. There were no roads to the interior save the winding Indian trails. When the American did come at last to make his solitary home in the oak openings, or to cut his clearing out of the forest, he found few more aids to travel than he would have found had he been brought to the shores of Michigan by the "Griffin" one hundred and fifty years before.

Detroit Burned.—Detroit was a small place, mostly gathered within a snug stockade. Narrow streets, from twelve to twenty feet in width, sloped to the river, and were lined with the houses of the sociable Frenchmen.¹ There were, perhaps, some two hundred houses crowded within the pickets. They were built of oak or cedar logs and with stone chimneys. In 1805 a fire broke out and completely destroyed the town, leaving but one house standing. Because of this fire it was possible to lay out the city anew on a more liberal plan. Broad avenues took the places of the narrow streets, and finally Judge Woodward's cobweb plan was put into effect, a veritable snare for the feet of the unwary stranger.

Form of Government.—The first form of territorial government was outlined in the Ordinance. It consisted of a governor, a secretary who performed the duties of the governor in the latter's absence, and, lastly, three judges who constituted the judicial department. All were appointed by the president. The legislative department was made up of the governor and judges.

¹ For a picture of the life of the French farmers of early Michigan, see Cooley's "Michigan," p. 233 fl.; McLaughlin's "Lewis Cass," Chap. I.; Hubbard's "Memorials of a Half Century," p. 117.

The government, therefore, did not spring from the people of the territory, but was given them by the United States government.

Governor Hull's Administration.—The first governor of the territory was William Hull (1805-1813). His administration was not a successful one in all respects. There was a great deal of quarreling between the governor and one or two of the judges. Moreover, from about 1807 on, there was some uneasiness caused by the restlessness of the Indians, who had never felt any friendliness toward the Americans. They were still influenced by the presents and blandishments of the British. As our country and England were evidently drifting into war, the Indians became more openly hostile. In case of a war the situation at Detroit was very perilous.

CHAPTER VI.

THE WAR OF 1812.

Tecumseh.—A noted chieftain, fit to rank by the side of Pontiac for ability and generalship, had for some time been preparing a great confederacy of tribes to resist the encroachments of the Americans. The Indians were defeated in the battle of Tippecanoe (1811) and Tecumseh's hopes seemed shattered; but when war broke out the next year between England and the United States, he was ready to join the English with a large force.

The Surrender of Detroit.—Detroit was separated from the settlements in Ohio by about two hundred miles of uninhabited forests. The British had a fort on the Canadian side of the Detroit River. As war was imminent, Governor Hull was given command of a force in Ohio, and he marched to the protection of Detroit. Before he reached his destination war had been declared against Great Britain (June, 1812). Hull almost immediately crossed the river, and for a time seemed to be in a condition to hold western Canada with his troops. But he soon lost heart in the enterprise and crossed back to Detroit. The British fort at Malden had an advantageous position, and its garrison was strengthened by troops from Lower Canada under the command of Isaac Brock. This general acted with great vigor and boldness. On the sixteenth of August he caused his army to be transported to the American side of the river. He then marched upon Detroit. Hull surrendered the place without striking a blow or firing a gun in its defence.

Criticism of Hull's Action.—Hull's conduct has been severely criticised. Many persons at the time charged him with treason. A court-martial which met at Albany found him guilty of cowardice and unofficer-like conduct. He was sentenced to be shot, but the president pardoned him. Few who have studied the situation now think that he was guilty of treason, and some even think his action was justifiable. It seems reasonable, however, to believe that he was overcome by a sense of responsibility and by dread of the vengeance of the Indians. He certainly did not show true courage and manly bearing.

Detroit Taken.—An army from Kentucky, which came in the winter of 1813 to recapture Detroit, was

massacred at the river Raisin by the Indians. On September 10, Commodore Perry won his famous victory in the battle of Lake Erie. This gave the control of the western lakes to the Americans. The British, who had held Detroit since Hull's surrender, retreated into Canada, but were overtaken by the army of General Harrison and defeated at the battle of the Thames. Michigan was once more in the hands of the Americans.

Troubles from the Indians. — Although Michigan was no longer under the control of the British, there were still many perils to be encountered. The Indians were a continual menace to the settlements and for some time Detroit was almost in a state of siege. Many of the people, afraid to stay upon their farms, crowded into the town. It was a difficult matter to bring order out of the panic and to restore confidence. General Lewis Cass had been left by General Harrison in charge of the place, and he was soon (1813) made civil governor of Michigan. He succeeded finally in defeating and overawing the Indians, but at the close of the war the territory of Michigan was in a most distressed and pitiful condition.

Results of the War. — The people of the outlying settlements had been impoverished by the pillage and destruction. Many were reduced to want and almost to starvation. All the horrors of border warfare had been visited upon the unfortunate province. Aid was received from the general government, but only gradually did an air of prosperity take the place of the prevailing desolation.

CHAPTER VII.

DEVELOPMENT OF THE TERRITORY: ADMITTANCE
TO THE UNION.

Development. — From this time on, however, the industrial development of the territory was continuous. The listless, happy-go-lucky French farmers, who tilled their small farms in contentment, knew nothing of scientific tillage. Their implements were crude and heavy. Their happiness seemed to crush out rivalry or ambition. As the Americans came into the territory, they brought their thrifty New England habits. Their well-made modern tools began to displace the mediæval tools of the Frenchmen, who long, however, clung to their simple methods of life. American enterprise slowly made headway in changing the province into a prosperous, vigorous state.

The French Farmers. — Even fifteen years after the war, Detroit and its vicinity were strongly French. Below and above the town for miles the river was lined with farms, each having its own water frontage and stretching back in a long, narrow ribbon of land. Big apple trees and giant pear trees crowded the slender farms. Old-fashioned houses, with steep roofs and dormer-windows, gave a quaint and curious aspect. The Frenchman remained contentedly on his little home-stead, looking with some amazement upon the pushing

Yankee trader or the farmer who made his way into the forest to hew out a clearing and build a home.

Changes in Government.—In 1819, Michigan was given the privilege of sending a delegate to Congress. Until 1823 the legislative power was vested in the governor and judges. In that year Congress passed a law transferring this power to the governor and a council of nine. The members of the council were selected by the president and confirmed by the senate out of eighteen elected by the people of the territory. Two years later the number in the council was increased to thirteen, and in 1827 the people were allowed to choose all its members without restriction. The judicial system of the territory also was altered from time to time to meet the growing needs of the people. General Cass remained governor until the middle of 1831.

The Work of Governor Cass.—The second governor of Michigan did a great work in building up the territory. He studied the character of the Indians and was wonderfully successful in controlling them and in holding their confidence. He entered into nearly a score of treaties with them and secured, for our government, title to a very large portion of the northwest. He explored the territory and endeavored to make its attractions known to the people of the east. Moreover, he was desirous of introducing local self-government, and he encouraged the people to participate in the political affairs of the territory. During his administration a number of counties were formed and preparation was thus made for the later political organization of the state. “Permanent American settlement may be said to have begun with him; and it was a great and lasting

boon to Michigan when it was given a governor at once so able, so patriotic, so attentive to his duties, and so worthy in his public and private life of respect and esteem."¹ By the end of his administration Michigan was forging rapidly ahead.

Growth of the State.—In 1818 the first steamboat, "Walk-in-the-Water," appeared at Detroit. By the opening of the Erie Canal (1825) an easy means of communication was given with the east, and the territory was rapidly peopled, largely by hardy New Englanders and New York people. Especially between 1830 and 1838 was Michigan settled by people from the eastern states. Those were the years when all over the country there was great interest in the development of the new west. The character of the immigration into Michigan during these years permanently influenced the development of the state and shaped its political institutions.

Admittance of the State.—By the Ordinance of 1787 a territory with sixty thousand inhabitants had the right to be admitted as a state into the Union. Michigan² (1835) began earnestly to demand that privilege. A boundary controversy with Ohio now arose. Michigan claimed that the line dividing her territory from that of Ohio was one drawn direct from the southern end of Lake Michigan until it intersected Lake Erie. Such was the division of the northwest contemplated by the Ordinance. Ohio claimed, however, that Congress had, upon her admission to the Union, recognized a boundary farther to the north, including the mouth of the

¹ Cooley's "Michigan," p. 204.

² A census taken in 1834 showed over eighty-five thousand people.

Maumee and the town of Toledo. At one time there seemed danger of war between the two states. Each ordered out its militia to protect its interests. A compromise was, however, suggested by Congress and accepted by the people of Michigan. The state was to be admitted to the Union with limits which included the northern peninsula. In exchange for the addition of this large portion of territory, all claim was to be surrendered to the Toledo strip. The people after some hesitation accepted the terms and Michigan was admitted to the Union January 26, 1837.

The Constitution. — The constitution of the new state was a simple one. It began with a clear statement of fundamental rights, declaring that all political power was inherent in the people. It established the right of trial by jury and guaranteed the recognition of the great principles of liberty. Three departments of government were created — executive, legislative, and judicial. The governor was given great power in comparison with that granted by some of the earlier constitutions. With the advice and consent of the senate he could appoint the judges of the *supreme court* and other important state officers. The state treasurer was elected by a joint vote of the two houses of the legislature. Provision was made for schools and education on a broad and generous basis.

Elements in the Life of the State. — Reference has already been made to the great number of French in Michigan and also to the fact that, in its later years as a territory, the immigrants were largely from New York and New England. No other state in the Union perhaps has been so largely populated from these sections.

The New Englanders naturally brought with them their regard for local self-government. They had been accustomed to regulate their own local affairs in the town meetings, and therefore town government came into existence in Michigan as a matter of course. These primary assemblies of the people have been of great value as nurseries of liberty and schools for political training and political thought. Jefferson said that towns had "proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation." At the outset, then, and even before the constitution was adopted, the people in the little settlements throughout the state began to manage the business of their localities and did not wait to be directed by the state government.

CHAPTER VIII.

HISTORY SINCE ADMITTANCE TO THE UNION: ANALYSIS OF THE CONSTITUTION.

Financial Conditions.—In order to understand the history of Michigan and appreciate its development, we ought to see its condition and know the trials that beset it soon after its admittance to the Union. Between 1830 and 1837 the people of the whole Union seemed bewitched with a longing to invest in the wild lands belonging to the national government. At the same time there was the great zeal throughout all the west for internal improvements—for canals and rail-

roads. The people had a vision of prosperity, and with reckless enthusiasm entered upon vast schemes of improvement, as if in a moment the wilderness was to be transformed into the habitation of man. Recklessness and extravagance brought upon the states an immense load of debt. None suffered from this more than Michigan. The panic came in 1837. The people realized that they had been building air castles, but discovered that the debt incurred was a dire actuality. The state struggled along under this burden and only slowly raised itself to prosperity. The lessons of these reckless investments were well learned. The first constitution made it obligatory on the legislature to encourage internal improvements. When it was found necessary to revise the constitution (1850) the legislature was forbidden to give money for such purposes.

Michigan and Slavery. — Michigan, as a portion of the old northwest, was never cursed by slavery.¹ The people, therefore, soon found their way to the right side when the inevitable conflict between freedom and slavery came on. For a short time after the passing of the Compromise of 1850, the north seemed satisfied that the great question was settled. But there was a feeling of uneasiness; and when the Missouri Compromise was repealed (1854), and the Southerner was allowed to carry his human chattels into all the national territory beyond the Mississippi, the north was awak-

¹ In the early French days there were a few Indians, and perhaps a few negroes, held as slaves. Later, in 1830, a census disclosed the fact that there were thirty-two slaves in the territory. This was merely accidental or exceptional, however, and when Michigan came into the Union there was probably not a bondman in the state.

ened to the danger. Michigan led the way by the formation of the Republican party at Jackson, July 6, 1854. The main tenet of the party was opposition to the spread of slavery. During the war of the Rebellion, Michigan was strongly loyal. Over ninety thousand soldiers were furnished to the Union army, and of these over fourteen thousand gave up their lives for their country.

The Capital. — The first constitution declared that the seat of government should be at Detroit, or at such other place or places as might be prescribed by law, until the year 1847, when the legislature should fix upon a permanent location. When that time came, there was much discussion and difficulty in reaching an agreement. Finally, in accord with a suggestion that the geographical center of the state be selected without reference to importance of towns then existing, Lansing was chosen as the permanent capital.

Constitutional Conventions. — A convention for revising the original state constitution met at Lansing in 1850. A constitution which differed from the old one in a number of particulars was agreed upon. Being ratified by the people, it went into effect January 1, 1851. With various alterations and additions by amendment, it has remained the fundamental law of the state until the present. A third convention was held in 1867, but the people did not accept the result of its labors. In 1873 a constitutional commission met and made sundry proposals for amendment and revision, but the people rejected these recommendations. There was seemingly a feeling that a commission, appointed by the governor at the direction of the legislature, ought not to attempt to make any radical revision of the con-

stitution; that such work belonged to representatives directly chosen for that purpose by the voters.

Amendments. — Amendments to the constitution have been made at various times, but they have not materially altered the frame of the government or added to the duties of its officials. The original constitution fixed the salary to be received by the state officers. The sums mentioned were so low that some changes have been made necessary. In 1870 the constitution was so altered that negroes were given equal privileges with white persons. By an amendment adopted in 1876 there was stricken from the constitution a clause prohibiting the legislature from authorizing the grant of license for the sale of liquor. The other amendments need not be given here in detail.

Nature of State Constitution. — "A State Constitution," says Mr. Bryce, "is really nothing but a law made directly by the people voting at the polls upon a draft submitted to them. . . . Hence the enactment of a constitution is an exercise of direct popular sovereignty to which we find few parallels in Modern Europe."¹ There has been an evident tendency in our history to extend the scope of state constitutions. Instead of including the mere general outline of government, many constitutions enter into various details that might properly be subjects of legislation by the governments established under the constitution. This tendency has undoubtedly come from a feeling that the people are more to be trusted than any of their agents.

The constitution of Michigan is conservative and moderate; but the one adopted in 1850 is just twice as

¹ "American Commonwealth," Vol. I., Am. Ed., p. 421.

long as the first constitution of the state. In some particulars, it entered somewhat needlessly into the field of ordinary legislation. When Michigan was admitted the state was on the frontier. It was poor. Its inhabitants were thrifty farmers who, by dint of toil and industry, were beginning to have comfortable homes. They believed in economical government and simplicity. The constitution of 1850 declared what salaries should be received by certain state officials. The governor, for instance, was to receive only one thousand dollars; circuit judges were to receive fifteen hundred. The whole scale established was low even for that time. Since the Rebellion the conditions of life have materially altered, yet only perseverance secured amendments to the constitution increasing the salaries of these officers. Money is a changeable thing in its purchasing power, and it seems undesirable that salaries should be permanently fixed by constitutional enactments. Nothing can be more economical than the securing of the best possible judges; but it is hard to get lawyers, that are well equipped in their profession, to accept judicial positions which bring them in less than their ordinary practice. And yet these simple and economical standards, established thus early, undoubtedly had certain beneficial effects in keeping "alive ideas of economy and frugality in official circles."¹ These facts illustrate what has been said above as to the tendency to legislate in the constitution. Such legislation is democratic rather than representative, and, while not entirely wise, is an encouraging proof of the confidence of the people in themselves and faith in their own honesty and political sense.

¹ Cooley's "Michigan," p. 303.

Analysis of the Constitution.—The constitution of Michigan, not including its amendments, is divided into twenty articles. These may be roughly grouped as follows: (a) The definition of the boundaries of the state. (b) The frame of government; giving the name, duties, and powers of the different officers and departments of government. (c) Sundry provisions concerning elections, the organization of counties and townships, education, militia, etc. (d) An article entitled miscellaneous provisions, which includes many restrictions upon legislative activity, which are in the nature of guarantees of civil liberty. Other guarantees of this kind are found in other clauses. There is no separate article which might be called a bill of rights, such as we find in many state constitutions. To these twenty articles must be added the schedule. This is of a temporary nature. It marks out the method of submitting the constitution to the people for their adoption or rejection, and the manner of putting it into operation if adopted.

Division of the Powers.—At the time the constitution of the United States was adopted, it was considered an axiom in political science that liberty was best preserved by the division and separation of the powers of government. Following the example of the nation, therefore, the various states have carefully separated the government into three departments, each with its appropriate powers. It is a fundamental proposition in the Michigan constitution that “no person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided.” The departments are the legislative, executive, and judicial.

CHAPTER IX.

THE LEGISLATIVE DEPARTMENT.

General Provisions.—The legislative power is vested in a senate and house of representatives. The members are elected every two years on the first Tuesday after the first Monday in November. They meet in Lansing on the first Wednesday in January following their election. The governor may convene them on extraordinary occasions. Each member is entitled to a compensation of three dollars per day and mileage of ten cents per mile. Members from the upper peninsula may be paid two dollars per day in addition. Each house has the right of determining the rules of its procedure and the election and qualifications of its members. A bill may originate in either house.

The Senate.—The senate consists of thirty-two members. The state is divided into senatorial districts in the first session after each census taken by the United States, and also after each state census.¹ Each district elects one senator. The senate sits as a court of impeachment to determine the guilt or innocence of officers accused of corrupt conduct in office or of crime and misdemeanors. Whenever a vacancy occurs in any of the state offices, the governor fills by appointment

¹ The national census is taken at the end of every decade and the state census four years later. The last state census was taken in 1884.

with advice and consent of the senate, if in session. With these exceptions the duties of the senate are merely legislative.

House of Representatives. — In the lower house, as the house of representatives is frequently called, there are at present one hundred members. The constitution simply states that the members shall consist of not less than sixty-four nor more than one hundred. Representatives, like senators, are chosen in separate districts, outlined at the same time as the senatorial districts. If a county is entitled to more than one representative, the board of supervisors has the authority to make the division. The house has the sole power of impeaching civil officers. The trial is conducted before the senate by a committee of three prosecutors, selected by the representatives from their number.

Third Branch of the Legislature. — The constitution declares that legislative power is vested in a senate and a house of representatives. Yet evidently there is a third branch of the legislature with great power in the making of laws, though a power not equal to that of the other two branches.¹ It is the governor's duty to sign a bill or to return it with his objections to the house in which it originated. The refusal to sign and the return of the bill constitute a qualified veto, and it requires a two-thirds vote of each house to establish a law without the signature of the governor. The governor has no power of initiation, — *i.e.* he cannot begin law-making, — but he plays a very considerable part before the work is finished. If the governor does not

¹ The constitution of the United States even says that all legislative power is vested in Congress, and yet gives the president a share.

sign or veto a bill within ten days from the time it reaches him, it becomes a law without his signature, unless the legislature by adjournment prevents its return. Any bill coming to the governor in the last five days of the session may be signed by him five days after adjournment.

Restrictions. — There are various restrictions upon the actions of the legislature, most of them intended to secure methodical and careful procedure and freedom from tyrannical action. Some of them are as follows: No new bill may be introduced after the first fifty days of the session, and no law may embrace more than one object, which must be expressed in the title. All laws are to be published. No private bill can be audited or allowed. All private corporations must be formed under general laws and not by special statute. This last provision is to guard against corruption and bribery, and is now commonly found in state constitutions. No money may be appropriated from the treasury for religious purposes, nor may the legislature enlarge or diminish the civil or political privileges of any one on account of his religious belief. No lottery may be established. Liberty of speech and of the press must not be abridged by legislation.

There are included in various articles in the constitution a number of affirmative declarations, which actually restrain or direct legislation. The following are perhaps the most important examples. The constitution establishes the amount of property which shall be considered exempt from sale on execution or other final process from a court. Personal property to the amount of five hundred dollars is thus exempted. Moreover, a

debtor is in like manner protected in possession of forty acres, or a house and lot in a city or village, not exceeding fifteen hundred dollars in value. The stockholders of all corporations are individually liable for all labor performed for the corporation. The legislature is directed, in providing for the incorporation of cities and villages, to restrict their power of taxation and of borrowing money.

Officers of the House.—The house selects a speaker from its own members. He presides over the house. The other officers are clerk, journal clerk, corresponding clerk, engrossing and enrolling clerk, assistant engrossing and enrolling clerk, sergeant-at-arms. The last officer has two assistants.

Of the Senate.—The lieutenant-governor is presiding officer of the senate. The other officers are similar to those of the house, though not identical. The clerk of the senate is known as the secretary, and he has one assistant.

Committees.—It has been said that Americans are not governed by a Congress or a Parliament, but by committees.¹ Certainly the committee system is of great importance in our method of government in

¹ Some of the important committees are ways and means, municipal corporations, judiciary, railroads, private corporations, insurance, manufactures, agriculture. There are also several committees each of which has for its special duty to look into the needs of some state institution and prepare and report a bill appropriating the needful funds. Thus, in both the senate and the house, there are committees on the Agricultural College, on the University, on the Normal School, etc. The house committees, as a rule, are composed of five persons. Some, such as the committee on ways and means, have seven. In the senate there is no committee on ways and means, but a committee on finance and appropriations. The usual number of a senate committee is three, though some have five.

NOTE.—The teacher interested in the committee system and its meaning will find interesting discussions in Bryce's "American Commonwealth," Vol. I., p. 150 ff., and in Woodrow Wilson's "Congressional Government."

nation and state. It has been adopted in every state in the Union. The Michigan house had in the session of 1891-92 fifty-three committees whose duties covered nearly every conceivable subject of legislation. In the senate there were fifty.

CHAPTER X.

THE EXECUTIVE DEPARTMENT.

Relations between Departments. — The constitution of Michigan is liberal in its grant of executive power. Even the first constitution gave the governor nearly as much power as the present. In the development of state constitutions throughout the country in the past hundred years, there has been a tendency to increase the authority of the executive, and to limit the legislative department by restraints which are in the nature of special legislation by the people. Neither of the two constitutions of Michigan has been extreme in these respects. The first, however, when compared with the older states, shows that Michigan had felt that tendency and responded to it. The one adopted in 1850 accentuates this characteristic slightly.

The Governor. — At the same time that members of the legislature are elected, the people also choose a governor and lieutenant-governor, who hold office for two years. It is the duty of the governor to see that the laws are faithfully executed, to convene the legislature on extraordinary occasions, and to give by mes-

sage information of the condition of the state. He is commander-in-chief of the militia and may call out the forces to suppress insurrections or repel invasions. He has power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment. To assist him in performing this last duty the legislature has established an advisory board, whose business it is to inquire into the cases of all convicts who may petition for pardon and report to the governor the results of its investigation. He has also the authority to issue writs of election to fill vacancies in the legislature. It is his duty to examine into the condition of public offices, and he has authority to remove all derelict state officers, except legislative and judicial. He can, in case of such removal, appoint a successor to the person so removed for the remainder of the unexpired term. Pursuant to the suggestions of the constitution, the legislature has laid down methods for displacing township and county officers, and has bestowed upon the governor the duty to make investigation in cases of alleged misconduct and to remove the person so accused if charges are substantiated by proper evidence.

The governor has the prerogative of appointing a number of officers to positions on boards and commissions that have been created by the legislature for the administration of state affairs. These will be mentioned in a succeeding chapter.

The Lieutenant-Governor.—The duty of the lieutenant-governor is to preside over the senate. He has the deciding vote in case of a tie. He performs the duties of governor if the latter is removed from office, dies, or

for any reason is unable to act. Should the lieutenant-governor, during such a vacancy in the office of governor, be unable to act, the president *pro tempore* of the senate succeeds to the duties and emoluments of the office.

Restraints upon Appointment.—The power of appointment granted to the executive is almost unlimited, but there are two restraints that deserve mention. “No person elected a member of legislature shall receive any appointment within this state, or to the Senate of the United States from the governor, the governor and Senate, from the legislature, or any other state authority, during the term for which he is elected.”¹ Moreover, “no person elected governor or lieutenant-governor shall be eligible to any office or appointment from the legislature.” These restrictions are intended to remove the temptation of using public office for private profit.

Other Executive Officers.—The people also elect at the general autumn elections a secretary of state, a superintendent of public instruction, state treasurer, a commissioner of the land office, an auditor-general and an attorney-general. The term of office is two years. Their duties are prescribed by law. They do not form a cabinet for the governor, but he is authorized to require of them information in writing touching the affairs of their respective offices. The ordinary duties which these officers are called upon to perform are suggested by the titles given.

¹ It is now held that this restraint, as far as it applies to United States senator, is void. It is not within the competence of a state to define the qualifications for such an officer.

CHAPTER XI. ·

JUDICIAL POWER.

The Courts. — “The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities.” (Constitution, Art. VI., Sec. I.)

The Supreme Court. — The supreme court now consists of four associates and one chief justice. One new member is elected by the people every two years and the term of office is ten years. The judge whose term soonest expires acts as chief justice. For a number of years there were only four judges in the court; but an even number may be evenly divided and a tie may then result. In 1887, therefore, the legislature fixed the number at five. At the same time the term of office was lengthened from eight to ten years. The jurisdiction of the court is almost entirely confined to hearing appeals from circuit courts. It has a general superintendence over all inferior courts and has authority to establish general rules governing the practice in the various courts of the state.

Circuit Courts. — The state is divided by the legislature into judicial circuits, in each of which the people elect one circuit judge, who holds office for six years. The circuit court, over which the judge presides, has

original jurisdiction¹ in all civil suits where the amount involved is more than one hundred dollars.

It also has a general jurisdiction over criminal offences. The legislature has authority to bestow exclusive or concurrent jurisdiction upon other tribunals and has done so in a few instances. The clerk of each county is the clerk of the circuit court for that county. It is his duty to keep a careful record of the work and judgments of the court.

Court of Chancery. — The circuit courts are also courts of chancery. Each circuit judge is a judge in chancery. In this capacity it is his duty to dispense justice and equity according to the rules and principles of equity which have grown up by the side of the common law and are supposed to give relief where the law, because of its universality or rigidity, could give no relief to a petitioner. The constitution deprecates the distinction between law and equity. But Michigan is one of the few states that still cling to the distinction.

Justice Courts. — There are four justices of the peace in each township. The term of office is four years. Cities have under the general law four justices. Each one of these officers holds a court which has exclusive jurisdiction of civil suits involving one hundred dollars or less and has jurisdiction, concurrent with circuit court, of cases where the debt or damages do not exceed three hundred dollars. Some classes of cases, however, as, for instance, those involving the title to land, cannot be instituted before the justices. In these courts, are

¹ A court is said to have original jurisdiction when suits can be begun in it. It has appellate jurisdiction when a suit begun in another court is brought before it for review.

tried persons charged with inferior criminal offences. The justice also acts as an examining magistrate to determine whether or not a person accused of crime shall be held for trial before the circuit court.

Probate Courts. — The constitution provides for the establishment of these courts, but the duty of outlining their duties and general procedure lies with the legislature. There is one probate judge for each county. He is elected by the people and holds office for four years. The chief work of the court consists in looking after the settlement of the estates of deceased persons. If any one dies leaving a will which disposes of his property, such will must be presented to the probate court by any one who may have it in his custody. There the will is "probated," tested and proved, and either admitted to record as genuine or not accepted as the actual will of the deceased person. The court has general supervisory charge of the execution of the will. It is also its duty to appoint administrators to settle the estates of persons dying without wills, or, as the legal phrase is, intestate. Legal guardians of children are appointed by probate courts. Sanction is given by them to change of name either by adults, or by children in cases of adoption. In cases of dissatisfaction persons may appeal from the probate to the circuit court.

Municipal Courts. — The constitution gives authority to the legislature to establish municipal courts. In several instances this power has been exercised. For example, Grand Rapids has at present a superior court, a tribunal established to relieve the circuit court of a portion of its work. Its jurisdiction is of the same general nature as the circuit court, though not identical

with it. Detroit has, under its charter, a court known as the recorder's court. It has criminal jurisdiction only.

Other Officers.—The decisions of the supreme court are required to be in writing. They are collected and published under the direction of an officer appointed by the court and known as the reporter. There is also a clerk appointed by the judges. The legislature has, in accordance with authority granted by the constitution, provided for the election of a circuit court commissioner in each county. The more populous counties are authorized to elect two. The powers of these officers are similar to those which a judge possesses when out of court. One of their chief duties is the taking of testimony to be used in suits, and they have various functions of a semi-judicial character.

Restraints.—Article VI. of the constitution contains a number of express prohibitions upon the conduct of the courts. These are for the purpose of protecting citizens in their rights to civil liberty. For example, the right of trial by jury is guaranteed.

CHAPTER XII.

ADMINISTRATIVE MACHINERY: STATE MILITIA.

Penal and Charitable Institutions.—The state has taken upon itself the care of the poor and afflicted. Provision has also been made for the imprisonment of convicted criminals. Capital punishment is not inflicted in the state, and the punishment for all crimes is confinement. The several prisons and other institutions

were for some time under the general management of separate boards of inspectors or examiners. But in 1891 some of these separate boards were abolished and their duties given to central boards of control. The following list will show the state institutions for penal or charitable purposes and how they are managed :—

- (1) State public school for dependent and neglected children.
- (2) Michigan school for the blind.
- (3) Michigan institution for educating the deaf and dumb.

These are under the management and control of the central board of control of state institutions, composed of four members.

- (1) The state prison.
- (2) The state house of correction and reformatory.
- (3) The asylum for dangerous and criminal insane.
- (4) The state house of correction and branch of state prison in upper peninsula.
- (5) The reform school.
- (6) The industrial home for girls.

These are under the control of a state board of inspectors composed of four members.

The soldiers' home is governed by a board of seven, composed of the governor and six members appointed by him.

- (1) Michigan asylum for the insane.
- (2) Eastern Michigan asylum for the insane.
- (3) Northern Michigan asylum for the insane.

These are under the general direction of separate boards, each composed of six members appointed by the governor.

Governmental Boards.—There are several state boards whose duties are suggested by their titles. The following list includes only the more important ones :¹—

- (a) Some of the *ex officio* state boards.
 - (1) Board of state auditors.
 - (2) Board of control of state swamp lands.
 - (3) State board of equalization.
 - (4) Bureau of statistics of labor.
- (b) Some of the miscellaneous state boards.
 - (1) State board of corrections and charities.
 - (2) State board of health.
 - (3) Board of control of railroads.

Officers Appointed by the Governor.—The legislature has established at various times sundry offices, the duties of which are performed or are under the direction of a single person. Space will not allow an enumeration of all such officials nor an account of their duties. Their work is largely of an executive character. They take care that the state laws covering matters of which they have general oversight are obeyed. Thus, among these officials we find (1) the commissioner of insurance, (2) commissioner of railroads, (3) commissioner of labor, (4) state inspector of illuminating oils, (5) game and fish warden.

It is thus apparent that the legislature has adopted an elaborate system of boards and commissions, and in this manner the great purposes of government are obtained. We must remember that it is state law which ordinarily regulates and controls our actions, not national law; for the competence of the national government in

¹ I have left for a later chapter an account of the government of state educational institutions.

legislation is comparatively limited. The commissioners and boards given above partly represent the great field of political action occupied by the state.

“An American may, through a long life, never be reminded of the Federal Government, except when he votes at presidential elections, lodges a complaint against the post-office, and opens his trunks for a custom-house officer on the pier at New York when he returns from a tour in Europe. His direct taxes are paid to officials acting under State laws. The State, or a local authority constituted by State statutes, registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, . . . marries him, divorces him, entertains civil actions against him, declares him a bankrupt, hangs him for murder. The police that guards his house, the local boards which look after the poor, control highways, impose water rates, manage schools—all these derive their legal powers from the State alone.”—Bryce’s “American Commonwealth,” Vol. I., Am. Ed., pp. 411, 412.

State Military Organization.—The constitution of the state declares that the militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of the state. The governor is commander-in-chief of the military and naval forces.

The legislature has passed laws directing how the militia is to be governed in case it is called into service. Moreover, there is an active militia known as the Michigan State Troops. It is composed of volunteers between the ages above mentioned. These troops are thoroughly organized and officered. They are under the general direction of a state military board, a board of three persons appointed by the governor. It is the duty of this board to inspect, and report to the governor on all

estimates of expense, to audit accounts, and to issue articles and regulations, which, when approved by the commander-in-chief, are binding upon the troops. It has various other duties of an executive and advisory character.

Military Officers. — As organized at present the leading officers of the military department are:—

- (1) Commander-in-chief.
- (2) Adjutant-general.
- (3) Assistant adjutant-general.
- (4) Inspector-general.
- (5) Quartermaster-general.
- (6) Assistant quartermaster-general.
- (7) Paymaster-general.

There are, in addition,

- (1) Military secretary.
- (2) Judge advocate.
- (3) Four aids.

These officers compose the staff of the commander-in-chief. All of these officers are the governor's appointees. It is the duty of the adjutant-general to be a sort of secretary of war. He distributes all orders from the commander-in-chief and lays before his chief all communications which he may receive from the state board or other military officers. The inspector-general has charge and supervision of all military stores.

The Troops. — As now organized, there are four regiments composing one brigade. The total number of troops enrolled, including officers, is 2442.¹ The legislature in 1891 passed a law allowing the enrollment of forty companies. When that law was passed, there were thirty-six companies, the full quota then legal.

¹ 1891. "Michigan Manual," 1891, p. 507.

CHAPTER XIII.

COUNTY GOVERNMENT.

Organization.—Counties in Michigan date back to the early territorial period. The county of Wayne, as a division of the Northwest Territory, included more than what is now the state of Michigan. During Governor Cass's administration, counties were as rapidly formed as there seemed to be need of them. New counties are now occasionally made by the division of existing ones by an act of the legislature. A county exists largely for judicial and administrative purposes, not for legislative. There are now (1892) eighty-five counties in this state. The Michigan system of local government is similar to that of Massachusetts, inasmuch as the township exists and the town meetings also, and that in these small democracies local affairs are managed and local officers elected. But the Michigan system differs somewhat from that which prevails in Massachusetts. The county here is of more importance; in other words, there has been some tendency to adopt the New York system. The governing board of the county is composed of supervisors, one elected from each township. This body is of New York origin. In this state in early days the counties were governed as in Massachusetts, by commissioners, but the present plan has long prevailed.

Board of Supervisors. — On the first Monday in April of each year, each township elects a supervisor. As a rule each ward in a city is considered a township for such purposes. Collectively the supervisors have general control and care of the property of the county; they provide for the raising of money for defraying the current expenses of the county; they may "cause to be erected the necessary buildings for poor-houses, jails, clerk's offices, and other county buildings." The board has authority to lay out new roads, to make rules and regulations about the bridges and dams, and can permit or prohibit the making of such obstructions over navigable waters. The amount of salary which a county officer is to receive is fixed by the board unless it is otherwise determined by law. Provision for the poor of the county is one of the duties of the supervisors; they may build poor-houses and buy the land for poor-farms, and have the general oversight of the indigent who are unable to earn a livelihood.

County Officers. — All of the county officers, except the judge of probate, are elected for two years. They are chosen at the general election in the fall, and take office on the first day of January succeeding the election. The judge of probate holds office for four years. The treasurer and sheriff¹ are not entitled to hold office for more than four, in any period of six, years. All the officers of the county, except the prosecuting attorney, are required to give bond faithfully to perform their duties.

Treasurer. — It is the duty of the treasurer to receive and keep safely all the money belonging to the county.

¹ This disqualification, as far as it affects the sheriff, is a constitutional provision.

To him the supervisor of each township or the city treasurer pays over the amount of tax levied and collected in each township for county purposes. He keeps on hand also an account of delinquent taxes. He pays out money upon the order of the board of supervisors.

Prosecuting Attorney. — This officer's chief work consists in representing the interests of the state or the people in criminal prosecutions. Under our system of procedure, a person accused of crime is arrested upon a warrant issued by a justice of the peace. Before such justice there is a preliminary examination for the purpose of determining whether or not the person accused shall be held for trial before the circuit court. The public prosecutor may be present at this examination and endeavor to discover the probable guilt or innocence of the prisoner. If it be decided that there is good ground for trial, he appears in behalf of the people in the trial court. It is not his duty to attempt to convict every person accused of crime; he is expected impartially to examine the case and to look after the interests of the public, which include as much the release of the innocent as the punishment of the guilty. The prosecuting attorney is the legal adviser of county officers in civil suits, and represents the county or the state in any court in his county.

County Clerk. — The duties of this officer are manifold, and only a general outline can be given here. He is clerk of the board of supervisors and custodian of their records. He is clerk of the circuit court, and is the keeper of the county seal. With him are filed the pleadings and papers in suits at law and equity, articles

of incorporation and reports of associations, statements of marriage, of births, and of deaths. He has many other duties of a clerical nature.

The Sheriff.—The executive officer of the higher court of the county is the sheriff. He serves the process of the court and carries its writs into execution. The county jail and prisons therein are under his custody. During sessions of the circuit court, he or his deputies are expected to be present. He has charge of the jury, the members of which he summons to attend in accordance with the forms of law. He is responsible for the peace and good order of the county.

The Coroner.—This official, like the sheriff, we have borrowed from old English law.¹ It is his duty to hold inquests with the purpose of discovering the cause of death of persons supposed to have "come to their death suddenly or by violence." When the sheriff is an interested person in any cause, the coroner may serve writs and execute process of the courts. Each organized county in the state has two coroners.

Register of Deeds.—The copying or recording of deeds by a public officer is for the purpose of giving proper notice of the transfer of real estate. It is not obligatory on any one to have his deeds recorded; but one does so as a matter of precaution, inasmuch as

¹ In England the sheriff was an important officer long before the Norman Conquest (1066). He was the reeve or chief officer of the shire or county representing the king. To-day in England he is the chief dignitary of the county, but performs all executive and police duties through subordinates, attending himself to honorary or formal matters. The coroner is also an official long known to English law, although more modern than the sheriff. He was the Crown officer or "Crownner." His present duties are similar to those of his American namesake.

any deed not recorded is void as against a subsequent purchaser in good faith for a valuable consideration. It is the duty of the register carefully to copy, in the books which he keeps for the purpose, all deeds, mortgages, or other instruments which in accordance with the law may be left with him for the purpose.

County Surveyors.—Each county has also a public surveyor. He "shall make and execute such surveys within his county, as may be required of him by order of any court, or by application of any person therefor." He is expected to record all surveys of a permanent nature which he makes, and his certificate of any survey is "presumptive evidence of the facts therein contained."

CHAPTER XIV.

TOWNSHIP GOVERNMENT.

The System.—Reference has already been made to the importance of local government and to the fact that Michigan naturally adopted the township system. There are differences between the methods of this state and that of Massachusetts; but there is on the whole great similarity. Some of the functions of the eastern town are here performed by the county and we have also the village system, which will be explained hereafter.

The Town Meeting.¹—Michigan was the first state west of New York to introduce the town meeting. As

¹ For a picturesque description of the town meeting, see Hosmer's "Samuel Adams" (American Statesmen), Chap. XXIII.

a matter of fact, the township in our history has preceded the county in organization. The settlers in the backwoods met for the purpose of acting in the opening of roads, the building of bridges, or the support of a school. The town meeting to-day is purely democratic, and is a reproduction or direct descendant of the old folk-mote wherein our ancestors in oldest England or the forests of Germany passed their simple laws. The annual meeting is held on the first Monday in April. Here the various officers of the township are elected and such other business as seems needful done. Taxes are determined upon; reports of the officers who have had charge of public money are heard; it is decided how much money shall be given to the town library or the school; or perhaps a law is passed determining the time and manner in which animals may be restrained from running at large. The people of the township have power, in the words of the statute, to make any order or by-law "for directing and managing the prudential affairs of the township as they shall judge most conducive to the peace, welfare, and good order thereof." The supervisor is the moderator of the meeting, and while elections are being held he constitutes, with the justice of the peace¹ and the town clerk, the board of inspectors.

Township Board. — The supervisor, the two justices of peace whose terms of office soonest expire, and the township clerk form the board, and this body has general directive authority in the affairs of the township, even to the extent of voting money for the ordinary

¹The justice must be one who is not holding the office of clerk and supervisor, and the one whose term of office soonest expires.

running expenses, if the town meeting has neglected or refused to make necessary provision. The board acts as an auditor of the accounts of the town treasurer and other persons in charge of money. It constitutes a board of health and has therefore the right to pass regulations for the prevention of disease or the removal of nuisances. The power to remove certain officers is also within its competence.

The Supervisor.—Some of the duties of this officer have been given in the two preceding paragraphs. In addition it may be mentioned that the supervisor is the representative of the township on the county board. Moreover, as assessor he prepares a careful statement of the taxable property of his township and its values, and this roll forms the basis for the levying of taxes. He is the agent of the township in the transaction of all legal business, and has other administrative duties of varying importance.

The Clerk.—The records, books, and papers of the township are kept by the clerk. He transcribes and preserves the minutes of the town meeting. With him are filed mortgages on personal property, and he is required to make an alphabetical list of the parties to such instruments. He acts as clerk of the board of school inspectors and at general elections of the township. He has other duties clerical in character.

The Treasurer.—The money to be expended in the township for local purposes, whether raised by taxation or by licenses, is kept by the treasurer and paid out by him only on the order of the township or its authorized officers. He is expected to make an annual report of receipts and disbursements. To him the state and

county taxes are paid, and he makes return of them to the proper officers. For this purpose he is the custodian of the equalized tax roll. He is elected annually, but cannot hold office for more than two years in succession. Like the clerk and most of the other township officers, he is expected to give bonds for the faithful performance of his official duties.

Constables. — At each annual meeting the people elect one or more constables, not exceeding four. The constable takes much the same place in the township that the sheriff does in the county. He is the ministerial officer of the justices of the peace, and has authority to serve writs and warrants or notices lawfully directed to him.

Justice of the Peace. — The constitution provides for the election of not more than four justices in each township. Their judicial duties have been described above. They hold office for four years, but are so elected that only one retires in any one year. A justice has authority to administer oaths on general matters, to take acknowledgments of deeds, to take testimony to be used in suits in other states, to join persons in marriage, and to perform other duties not of a judicial nature.

Other Officers. — The old New England town meeting sometimes elected so many officers that one might well wonder whether there was any person without an office. The western town has not yielded to this officialism. By statute the township meeting in this state is authorized to elect one commissioner of highways, one overseer for each road district, one drain commissioner, and as many pound-masters as seem desirable. The first of these officers has general charge of the

highways. The overseer sees that roads are kept in repair and the required labor is performed. The pound-master has charge of impounded animals. The overseers of highways are the fence viewers for the township. The drain commissioner is expected to see that needful, natural, and artificial drains are kept open and in good condition.

CHAPTER XV.

CITIES AND VILLAGES.

Reasons for Organization.—Town government is almost a pure democracy. In a small community this is an admirable method of government, but where the population is dense, it becomes desirable to elect representatives to make the needful laws and ordinances for establishing and preserving good order. It is necessary to have a more complicated government for the performance of the many duties that necessarily come with the increase of the population. To accomplish these ends, villages and cities are organized by law. They are public corporations organized under a charter granted either generally or specially by the state legislature.

The village is a stepping-stone between the township and the city. Incorporation may take place in Michigan either under a general law which lays down the form of administration or by special act. Three hundred persons or more occupying a township not more

than one square mile may be incorporated as a village under the general law. The government is secondary rather than primary, the right of legislation and general control being vested in a president and a board of six trustees elected by the people. In accord with the general law, a clerk, treasurer, assessor, and constable are elected annually, and the board of trustees or the village council, as it may be termed, has authority to appoint other needful officers. The subject over which the incorporated village has control cannot be given here in detail. Regulations for safety, health, and order which are not needed in a township are within the scope of the village which is organized for more easy and effective action. The functions of the city, which are given below, will suggest the power of the village, if we remember that the latter has less power.

Cities.—There is a general statute under which cities may be incorporated, but the great majority are organized by special enactment. The details of government are therefore varied, and to determine the exact power of city officers or of the whole municipality, an examination must be made of the charter¹ of incorporation and its amendments. Many of the charters are very long and complicated, and most of them are being continually altered. This alteration is due to the fact that the cities are growing, and new needs are constantly arising; and it is due also to the fact that there has not yet been evolved in the course of our political experience a form of city government that is generally

¹ The charter of a city or village is the legislative act which constitutes it as a body corporate. It grants and defines powers, and is the fundamental law of the municipality.

agreed to be wise and faultless. The permanence of our national constitution arises from the fact that we have prospered under it. On the other hand, the abuses which are possible under our city administration tempt the people to try sundry alterations in forms and methods, and to make minute regulations. The charter granted Detroit in 1883 covers some sixty-seven pages of closely printed matter, and is many times as long as the Constitution of the United States. Such a statement will show the impossibility of giving here a close analysis of city government. Moreover, although a general law has been enacted for the organization and government of municipalities, the statute is not binding upon the legislature itself, and the statements in the paragraphs following must be taken as only *generally* and not universally true. For example, the general law provides that villages of three thousand inhabitants may be organized as cities, yet there are in the state several cities with a population scarcely more than one thousand.

The people are allowed to decide for themselves whether or not they shall be organized into a city. A popular vote is taken to determine. Some large villages prefer to retain the more simple forms of government and administration.

Wards.—For more effective local government and for participation in county affairs, cities are divided into wards. In each ward a supervisor, two aldermen, and a constable are elected. The alderman is the representative of the people of the ward in the common council of the city. The duties of the constable and supervisor are similar to those devolving upon such officers in the township.

In the succeeding paragraphs the duties are given of only those officers which are customarily found under city government. There are many variations. For example, some cities have no collector. In others the assessments for the whole city are the work of one officer, the assessor. In Detroit the city attorney is elected by popular vote; in most cities he is appointed by the mayor and ratified by the council. In Detroit also there are three assessors appointed and not elected. In fact, the variations are so numerous that it seems best to give only a very *general outline* from the *general* law, with occasional suggestions of variations. A teacher in a city school can obtain a copy of the city charter which will presumably be in the library. Beyond all, it must be remembered, that students have the opportunity to see the government of the city *in action*, and not simply a description of it on paper. Study a city or township government as you would a machine of any kind in motion. Endeavor to discover in what respect your city government differs from the description here given.

Mayor. — This officer is common to every city. He is elected by popular vote and holds office for a year.¹ He is the chief executive officer, and has general supervision of the several departments of the city government. In most cities he presides over the common council. He sometimes has the power of veto. As a rule he has an extensive power of appointment, and, where this is the case, responsibility for good administration seems to rest peculiarly with him.

As to the powers of the mayor, it may be said there are two differing tendencies. The one is to increase his power, and with it his responsibility, in order that the people may know to whom to charge failure or corruption in administration. The other tendency is more evident; executive authority is divided among a number of boards, the members of which are the appointees of the mayor.

¹ The mayor of Detroit holds for two years.

Clerk.—It is the duty of the clerk to keep the records and the official papers of the city. He is clerk of the council and he records its proceedings. He has a general supervision over all officers charged with the expenditure of money, and over the property and assets of the city. In some instances there is a comptroller elected. This officer then acts as a general accountant, keeping an account with the treasurer, and acting as a sort of financial secretary for the city. The clerk is often called the recorder.

Treasurer.—This officer has the usual duties. He keeps the money and pays it out upon the proper order. He makes monthly reports to the clerk or comptroller and annually a detailed account to the council. Like the mayor and clerk he is elected for one year.

The Common Council.—This body is the legislative authority of the city. It is composed of the mayor and aldermen. It is entitled to pass ordinances for the maintenance of good order within the city. Keeping within the limits of the charter its legislative power is plenary. It can best be suggested by giving in part, at least, the subjects over which a city is expected to exercise control. These are:—

- (a) To preserve peace and good order.
- (b) To arrest and punish vagrants and disorderly persons.
- (c) To prevent nuisances and to remove any cause of annoyance or disease.
- (d) To issue licenses and to regulate games and exhibitions.
- (e) To license and regulate saloons.
- (f) To license and regulate auctions and peddling.
- (g) To license and regulate hackmen and draymen.
- (h) To provide for inspections of various kinds.
- (i) To lay out and keep in repair streets and alleys, and to have

control over sidewalks. (j) To establish and support a fire department, etc.

Other Officers. — The marshal is the chief police officer and is expected to preserve good order. In many cities he is appointed; under the general law he is elected. There are also the following officers: (1) city attorney; (2) surveyors; (3) street commissioner; (4) justices of the peace; (5) often a city collector and generally a school inspector; (6) chief of the fire department.

I repeat here the advice given earlier that the pupils in villages and cities be urged to discover by their own investigation the system of government under which they are living. Nearly every township and city library may be expected to have Mr. Bryce's great work on the American Commonwealth. Even young pupils can understand, by help of the teacher's explanations, his lucid chapters on municipal government and its evils. See Chaps. L., LI., LII.

CHAPTER XVI.

EDUCATION.

School System. — The people of Michigan have long been justly proud of their educational system, and have supported schools and colleges with generous interest. It is a right use of words to speak of our educational "system." For, from the lowest primary school through the University there is organic connection and methodical arrangement. Everything has been built up on the theory that, for the welfare of the state, its citizens

should be educated and that any and all means of culture should be freely opened to rich and poor alike. Everywhere education is free. The larger institutions, wherewith the state has completed the educational structure, offer instruction on almost every useful subject. The Normal School prepares teachers for the lower schools. The Agricultural College teaches the principles of scientific farming. The University gives facilities for the study of all collegiate and professional subjects except theology.

The principle of popular support for education was entered upon, somewhat feebly it is true, in our territorial period; but as the years went on the state committed itself more and more heartily to the idea, until now Michigan has demonstrated that a democracy, a popular state, will liberally support institutions of public instruction from the lowest to the highest.

District Organization.—The constitution provides for free primary schools. Each township is, by statute, authorized to elect two school inspectors and with the township-clerk they become the board of school inspectors. Their duties are supervisory. They divide the township into districts, which take care of and provide for their own schools. The annual meeting of each district is on the first Monday in September, and then taxes are voted for the support of schools and a board elected for general management. The board consists of a moderator, who is the chairman; the director, who is the secretary; and the assessor, who is the treasurer of the district. The more populous school districts have a graded school with a board of six trustees, who elect their own officers. High schools are established by the

vote of the district. Each city usually forms one district, but the method of organization may differ in detail from that just described.

State Organization.—The constitution provides for a superintendent of public instruction, who has general supervision of educational matters in the state. A state board of education is also established by the constitution. The superintendent is a member *ex officio* and secretary of the board, which, including him, consists of four members. He is elected at the general election and holds office for two years, whereas the members of the board hold office for six years, one member being elected every two years at the same election.

School Examiners.—The method of inspecting schools and of examining applicants for teachers' certificates has been frequently changed. At present the following plan is in operation. The board of supervisors of the county elect a county commissioner of schools, also two examiners. The term of office is two years. These three persons form a board of examiners, and are authorized to grant certificates licensing as teachers those persons whom they may find qualified. Examinations of applicants for these certificates are held twice a year. The questions are prepared by the state superintendent of public instruction.

It is the duty of the county commissioner (1) to keep a record of all examinations; (2) to visit each school in the county at least once a year; (3) to counsel with the teachers and school boards concerning courses of study; (4) to promote the improvement of the schools; (5) to act as assistant conductor of institutes, and to perform various other duties that may be required by law.

Support of Schools.—The schools of the state are supported to a great extent by direct taxes levied for the purpose in each district. In addition each district receives from the state what is known as primary school money, which is used for the payment of teachers. This money is the interest paid by the state on a fund known as the primary school fund. This fund has three sources. (1) When Michigan was admitted to the Union, Congress gave to the state, for educational purposes, section sixteen in each township. The money received from the sale of these lands is held by the state as a perpetual interest-bearing fund; (2) The state has set aside for the same object one-half of the proceeds from the sale of the swamp lands; (3) All specific state taxes, except those received from the mining companies of the upper peninsula, are applied first to the paying of interest on the educational funds, and the surplus after such payment forms part of the primary school fund. The interest on these moneys is divided among the school districts of the state in proportion to their school populations, or the number of persons between five and twenty years of age.

The University.—The ancestor of our present University was established in 1817; but not until Michigan was admitted to the Union was there much done that can be called university work. The United States furnished the means of assisting higher education as well as secondary. The state now pays to the University interest on a fund known as the University fund. This has come from the sale of land in two townships given by the national government for that purpose.

The University is governed by a board of eight

regents, of whom two are elected by the people of the state every two years for a period of eight years. The constitution also provides for a president, who is elected by the regents. The institution now comprises the departments of (1) literature, science, and the arts; (2) a department of medicine; (3) a department of law; (4) a school of pharmacy; (5) a homœopathic medical college; and (6) a college of dental surgery.

The school system of Michigan owes much to the first superintendent of public instruction, John D. Pierce. It was his aim to establish a complete system of public education, the head of which should be the University. The broad and generous scope of this institution is due in no small measure to Mr. Pierce, and to its first president, Henry P. Tappan.

Other Institutions. — The Agricultural College was established in 1855. It is controlled by the state board of agriculture, consisting of the governor, the president of the college, and six members appointed by the governor for a term of six years. Its sources of income are somewhat similar to those of the University — interest on a fund held by the state, and appropriations from the state. The national government contributes an annual sum.

The Normal School was established in 1852, and is in charge of the state board of education. It furnishes instruction in the art of teaching, and is supported partly by direct appropriations and partly by interest on the Normal School endowment fund.

Mining School. — In 1885 the legislature passed an act providing for a mining school in the upper peninsula. In September of the following year the doors were

opened for students. It is controlled by a board of six members and supported by state appropriations.

Colleges.—There are a number of colleges in the state authorized to give degrees. They are under the care of different religious denominations. Albion College, established in 1861; Adrian College, established 1859; Alma College, established 1887; Battle Creek College, established 1874; Detroit College, established 1877; Hillsdale College, established 1844; Hope College, established 1866; Kalamazoo College, established 1855; Olivet College, established 1859.

Libraries.—Public libraries are as needful for general education as are schools. Michigan has appreciated the desirability of having free books. By her constitution it is obligatory on the legislature to provide for a public library in each township. Fines collected for the breaking of law are appropriated for the support of such libraries.

Free School Books.—It is now provided by law¹ that a school district may, if it so decides, purchase textbooks in the more elementary and popular branches of study. These books are to be the property of the district and loaned to the pupils for their use. Some of the cities in the state have adopted the plan and thus have taken another step in an endeavor to make education accessible to every one. Even where this system has not been adopted the state directs that school boards shall furnish books to students whose parents cannot provide them.

Compulsory Education.—The state some years ago entered upon the policy of requiring attendance at

¹ Act of June 15, 1889.

school of all children between the ages of eight and fourteen. It is directed that all such children go to school for at least four months in each year and at least six weeks consecutively. All persons are forbidden to employ any child, who, in the previous twelve months, has not had the four months' schooling.

The law has not been entirely successful, for it has not been enforced with vigor. The safety of republican government depends on the intelligence of the governed, and the state cannot in self-defence allow the children to grow up uneducated and without the proper knowledge for intelligent citizenship.

CHAPTER XVII.

ELECTION LAWS.

Suffrage.—The grant of suffrage in Michigan is very liberal. It is the intention of the constitution to establish manhood suffrage. Citizens of the United States can acquire the privilege of voting in this state after a residence within its borders of only three months preceding election. Foreigners are given the privilege of voting, if they have resided in the state two years and six months, provided that six months before the election they declare their intention to become citizens. Women, that have property subject to taxation, are entitled to vote upon all questions at the school meeting of a district, or, if they have no property, but are the parents

or the legal guardians of children of school age, they are entitled to vote on questions not involving the raising of money.

Registration.—In order to secure good order at elections and to confine the suffrage to those who are qualified to exercise it, the law provides for a registration of voters. Before each general election a board of registration sits at a designated place for the purpose of taking the names of the qualified voters of the township, ward, or precinct. Only persons whose names stand upon this registration list are allowed to vote at the election. However, if any one, because of illness or absence from the township or city, was unable to register, he will be permitted to cast his ballot on taking an oath to such fact. This is known as swearing in one's vote.

Political Machinery.—The system of party and political machinery in Michigan is much the same as that of other states. The caucus of the party meets in the townships or wards to elect delegates to a county convention or to put in nomination for election the candidates for its own local offices. The county convention elects delegates to conventions of the state or the congressional, senatorial, representative, or judicial district, or it puts in nomination candidates for the county officers. There has been as yet no great effort to regulate such party machinery by state law. A statute has been passed for the purpose of securing better order and more regularity in caucuses, but, with this exception, party politics and tactics are free from restraint.

Elections.—There are two general elections in Michigan. One is on the first Monday after the first Tuesday in November. At that time county and most state

officers are elected, and the people participate in the election of national officers. The other election is held on the first Monday in April.¹ This is the usual day for the choice of township and city officers; and some state officers are also then elected, the regents of the University and the judges of the supreme court, as well as the circuit judges.

Provision has been made by law to prevent bribery and intimidation at elections. It is an offence punishable by a fine or imprisonment to attempt by any menace or corrupt means to influence an elector in casting his ballot. It is unlawful (1) To provide entertainment previous to or during an election. (2) To furnish money to be expended in procuring the attendance of voters at the polls. (3) To contribute money for any purpose intended to promote the election of any person or persons, except (a) for the expenses of printing; (b) for the circulation of hand bills, etc.; (c) for the conveying of sick or infirm persons to the polls.

The Booth System. — It is a curious fact that though volumes have been written, first and last, on the necessity of a secret ballot, only within a few years has there been any effort at making voting actually secret. Each voter should be allowed freely to express his wishes at the polls, or popular sovereignty is a mere shadow. This can be secured only by providing means whereby a person can prepare and deposit his ballot without interference or molestation or scrutiny. The law of this state now provides for small booths at the polling places. These are placed behind a guard rail four feet

¹ By the general law the supervisor and two aldermen of each ward constitute the board of inspectors of election in a city, and in a village the president and trustees or any three of them.

in height. A gate keeper chosen by the inspectors allows persons to enter only for the purpose of voting. The voter passes into the booth and prepares his ticket as he desires, and immediately deposits it in the ballot-box. This system is a guard against bribery, for the reason that no one can tell how the ballot is prepared, or, in other words, whether or not a contract to vote in a particular way has been carried out.

The Ballot.—This state has now adopted with some variations what is known as the Australian ballot. By the system in vogue until the law of 1891 was passed, each party provided its own tickets at its own expense. On such a ticket were printed, of course, only the party candidates. Abuses arising from the system were numerous, and it was at best a primitive method based on false policy and principles. By the present law tickets are prepared at public expense and each contains the names of all candidates of all parties.

As will be seen by reference to the diagram on page 78, the candidates for office in each party are arranged by themselves under appropriate vignettes. When a voter comes before the election board he is given a ticket, on the back of which, in one corner, are the initials of one of the inspectors. He must prepare this ticket within the booth, and deposit it or give it back to the inspector, inasmuch as no ballots are allowed outside the guard rail. The diagram on page 78 more fully explains the method of voting.

NOTE.—It is perhaps needless to suggest to teachers that the method of voting can be taught by the actual preparation of ballots and by actually conducting an election. And at the same time pupils may be led to think of the necessity of a pure ballot and of honesty in elections, free from the devious methods of corrupt politics.

OFFICIAL BALLOT.

[FOR USE AT THE SCHOOL OF INSTRUCTION ONLY.]

INSTRUCTIONS.—First mark or stamp a cross (X) in the square under the name of your party at the head of the ballot. If you desire to vote a straight ticket, nothing further need be done. If you desire to vote for candidates on different tickets, also erase the name of the candidate on your ticket you do not desire to vote for, and make a cross in the square before the name of the candidate you desire to vote for or write his name in the space under the name erased. A ticket marked with a cross under the party name will be deemed a vote for each of the candidates named in such party column where name is not erased. Before leaving the booth, fold this ballot so that the initials may be seen on the outside.

| NAME OF OFFICE VOTED FOR. | [Vignette.] DEMOCRATIC. <input type="checkbox"/> | [Vignette.] REPUBLICAN. <input type="checkbox"/> | [Vignette.] PROHIBITION. <input type="checkbox"/> |
|----------------------------------|--|--|---|
| Mayor..... | <input type="checkbox"/> THOMAS JEFFERSON. | <input type="checkbox"/> JOHN C. FREMONT. | <input type="checkbox"/> CLINTON B. FISKE. |
| President of the Common Council. | <input type="checkbox"/> ANDREW JACKSON. | <input type="checkbox"/> HANNIBAL HAMLIN. | <input type="checkbox"/> SAMUEL DICKEY. |
| Supervisor.—First Ward | <input type="checkbox"/> SAMUEL J. TILDEN. | <input type="checkbox"/> ALEXANDER HAMILTON. | <input type="checkbox"/> JOHN P. ST. JOHN. |
| Alderman.—First Ward | <input type="checkbox"/> MARTIN VAN BUREN. | <input type="checkbox"/> SCHUYLER COLFAX. | <input type="checkbox"/> JOHN B. GOUGH. |
| Constable.—First Ward | <input type="checkbox"/> TIMOTHY DOE. | <input type="checkbox"/> RICHARD ROE. | <input type="checkbox"/> DANIEL FRESHWATER. |



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